

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL SCHAFFER,

Plaintiff

v.

COUNTY OF ALAMEDA, et al.,

Defendants

No. 06-0310 MMC

**ORDER DENYING SAMMY PAGE'S EX  
PARTE MOTION; DENYING PAGE'S  
PETITION FOR WRIT OF MANDAMUS/  
EXECUTION**

Before the Court is Sammy L. Page's ("Page") "Ex Parte Motion," filed October 27, 2008, as supplemented November 6, 2008; on November 19, 2008, class counsel, at the direction of the Court, filed a response thereto. Also before the Court is Page's "Petition for Writ of Mandamus/Execution," filed November 21, 2008.<sup>1</sup> Having read and considered the above-referenced filings, the Court rules as follows.

In his filings, Page states he filed a timely claim form, but did not receive a payment from the claims administrator; he seeks a court order requiring the claims administrator to pay his claim. For the reasons stated in class counsel's November 19, 2008 response, the Court finds the claim was properly denied, for the reason that Page is not a member of the

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<sup>1</sup>Additionally, on November 21, 2008, Page filed an "Affidavit or Declaration in Support of Motion for Leave to Proceed In Forma Pauperis." Said document, construed as a motion for leave to proceed in forma pauperis, is hereby DENIED as moot, as Page is not required to pay a fee to file either the motion or petition.

1 class certified in the above-titled action.

2 Accordingly, Page's Ex Parte Motion is hereby DENIED, and Page's Petition for Writ  
3 of Mandamus/Execution is hereby DENIED.

4 **IT IS SO ORDERED.**

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6 Dated: November 26, 2008

  
MAXINE M. CHESNEY  
United States District Judge